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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,973	01/25/2002	Tominari Araki	UNIUS1.001AUS	3883

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EXAMINER

DICUS, TAMRA

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 07/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,973

Applicant(s)

ARAKI ET AL.

Examiner

Tamra L. Dicus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 1-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,449,093 to Hebrink et al. in view of USPN 6,316,110 to Anzaki et al. and USPN 5,856,048 to Tahara et al.
3. Hebrink teaches an optical bodies comprised of an multilayer optical film that is formed of polyester layers (easy-releasing protective member), capable of being used as a polarizer (claim 3) or mirror (Figure 1 or 2, col. 3, lines 55-68, col. 4, lines 20, col. 5, lines 1-25) capable of receiving ink. The film may have adhesive on it to be attached to another article (claim 5), see col. 16, lines 55-68. Hebrink explains the multilayer optical films can be treated with, for example, inks, dyes, or pigments to alter their appearance or to customize them for specific applications. Thus, for example, the films can be treated with inks or other printed indicia such as those used to display product identification, advertisements, warnings, decoration, or other information. Various techniques can be used to print on the film, such as, for example, screen printing, letterpress printing, offset printing, flexographic printing, stipple printing, laser printing, and so forth, and various types of ink can be used, including one and two component inks, oxidatively drying and UV-drying inks, dissolved inks, dispersed inks, and 100% ink systems. See col. 16, lines 32-46.

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Hebrink does not teach the transmittance percentage of no less than 80% or 90% with/without ink as recited in claim 1 or a separator of claim 4. However, Anzaki teaches an electromagnetic wave filter (a separator) for plasma display panel of polyester films applied via pressure-sensitive adhesives such as acrylic resin to display panels having light transmittance of 70% or more. See col. 5, lines 44-68, col. 6, lines 30-35, col. 7, lines 19-20 and Table 3. Hence it would have been obvious to one of ordinary skill in the art to modify the optical film of Hebrink to include a film with a transmittance percentage of no less than 90% since Anzaki teaches films having light transmittance of 70% or more for panel displays and include a separator for providing the transmittance requirements for a panel display at col. 5, lines 44-68, col. 6, lines 30-35, col. 7, lines 19-20 and Table 3. Regarding the transmittance of no less than 80% with ink applied, it is obvious when applying the film of Anzaki with the ink Hebrink teaches, one would be motivated to provide a transmittance of no less than 80% when ink is applied because it is conventional to do so.

Regarding claim 2, Hebrink does not discuss the ink being able to emit fluorescence by irradiation of UV light. However, Tahara teaches information-recorded media comprising a printed layer 3 of the multiplex information-recorded medium 1 formed of ink that is capable of absorbing ultraviolet rays and instead emitting fluorescence. See Figure 1. Hence, it would have been obvious to one of ordinary skill in the art to modify the optical film of Hebrink to include an ink being able to emit fluorescence by irradiation of UV light in order to be read at different wavelengths as taught by Tahara at col. 5, lines 14-35.

Regarding claims 6-9, thickness of an adhesive or an easy-releasing protective member, is a result-effective variable and hence, an optimizable feature. Thickness of an adhesive effects

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the adhesion strength. Thickness of an easy-releasing protective member effects light transmittance. Hence, it would have been obvious to one of ordinary skill in the art to modify the film of Hebrink to include thickness ranges as recited in claims 6-9 because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,387,458 to Pavelka et al. teaches articles exhibiting durable fluorescence with an ultraviolet screening layer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is (703) 305-3809. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8329 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tamra L. Dicus  
Examiner  
Art Unit 1774

June 26, 2003

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

